

WRS Board: 24 June 2021

Information Report – Food Safety Recovery Plan

Recommendation | **That the Board notes the Report and that members use the contents of the information provided in their own reporting back to fellow members of the partner authorities.**

Background | Members will be aware that the six district councils are responsible for delivering official food safety controls and related activities in most food establishments in Worcestershire to ensure that businesses are complying with the relevant requirements of food law and to enforce those requirements where necessary. WRS undertakes these activities on behalf of all six local authorities and its activities are regularly reported through the Quarterly Activity Data Report to the Board and through an annual statutory return to the Food Standards Agency (FSA.)

These control activities include inspections, audits, surveillance, sampling and other types of interventions such as projects and questionnaires. Prior to the pandemic, Local Authorities were expected to undertake all official controls and related activities prescribed in specific legislation and those contained within specific FSA guidance and Codes of Practice.

At the beginning of the pandemic response, the FSA suspended the routine food hygiene intervention programme in recognition of the challenges local regulatory services faced in protecting our communities from COVID-19. The suspension also reflected the changing business landscape, with many food businesses closing or changing operations due to the Covid control regime. As previously reported, WRS responded by continuing to target limited resources at the highest risk establishments while deferring planned interventions. This approach was extended by the Food Standards Agency nationally to the end of June 2021.

Report | At its Board Meeting 26 May 2021, the FSA set out its plan for the recovery of local authority (LA) programmed food interventions and related activities. The plan has two phases (see Appendices A and B for details,) and runs from 1 July 2021 to April 2023 and beyond. It focusses on re-starting the regulatory delivery system in line with the Food Law Codes of Practice for the highest risk establishments while providing greater flexibility for lower risk establishments. The plan also sets out arrangements for monitoring LA delivery during the recovery period.

The nature and frequency of planned controls is contained in the Food Law Codes of Practice LAs are legally required to have regard to the Codes when performing their statutory food functions. LAs have planned intervention programmes in place, reported in our case to the Board through the Annual Report) that reflect the frequencies set out in the Codes. The Codes specify that new businesses should routinely receive an initial inspection within 28 days of registration or from when the LA becomes aware that the business is trading. At the initial inspection, the risk posed by the establishment is assessed and the risk category that the business falls into is determined using intervention rating schemes. The risk category (A to E for hygiene where A is the highest risk), in turn, determines when the next intervention is

due. The frequency is greatest at the highest risk establishments. Interventions periods specified are 6-monthly, annually, every 18-months, every 2 years and every 5 years, although lower risk premises tend to be targeted with alternative interventions like questionnaires or intelligence-led projects.

Proposals have now been developed for the national recovery of planned interventions and other activities by LAs at food establishments during the period from 1 July 2021 through to 2023/24.

Background context

The recovery roadmap takes account of the following points:

- Numbers of 'new' food businesses have significantly increased and, although some may never have started trading and others will have ceased trading, the risks associated with them remains largely unknown.
- Some existing businesses may have changed hands while others may have started up to capitalise on potential additional trade from staycations, etc this year.
- Existing businesses will gradually be re-opening, many after prolonged closure as restrictions on businesses in the hospitality sector on eating on-site are lifted, while others will continue to diversify activities to adapt to ongoing changes in the market.
- The highest risk establishments, which represent a relatively small proportion of the total number of establishments, may have missed one, two or, in a very small number of cases, three planned interventions.
- LA resources have been, and in many cases remain diverted into activities related to reducing the spread of COVID-19.
- Experience is that, in some cases, hygiene standards have reduced since the onset of the pandemic.

The Worcestershire context

In common with all local authorities, the backlog of interventions across Worcestershire is very challenging in terms of numbers, but Members can be assured that throughout the pandemic we have continued to address poor performing businesses will shall be starting from a very high base of 98% broadly compliant operations (i.e. businesses scoring 3 or more on the Food Hygiene Rating Scheme or FHRS.)

During the time when most physical visits to premises were suspended, WRS was exploring innovative ways to keep food businesses safe. Consultants were engaged to carry out over 100 remote inspections to test the veracity of this approach. We have recently completed the highly successful Operation Corona Fries (which will be the subject of a further report to the Board) involving the intelligence-led inspection of our highest risk food businesses (those attracting a score of 2 or less in the FHRS). Intelligence gathered during Covid work indicated that this type of business might be problematic in a range of areas, so a programme of visits was created.

Key areas for intervention as part of the restarted programme are recently registered premises without an intervention, but deemed compliant and those businesses rated 3-5 in the Food Hygiene Rating Scheme, which as we have said make up the vast bulk of

Worcestershire Food businesses.

We have 1,060 overdue interventions carried forward from 2020/2, an additional 1,200 will have fallen due by the end of March 2022 and 1,300 new premises have registered and require an intervention. This makes the total visits required in the period up to the end of March 2023 around 3,600. We have extended our existing contractor resource to the end of March 2022 but, in the absence of the pandemic, would normally have six FTE EHOs/Technical Officers available to undertake inspections allowing for other activities within the team. We would estimate the need to double capacity to reduce intervention numbers and are exploring options to see how we can deliver this in Phase 2, including how many of the lower risk premises may be suitable for a remote intervention.

The key milestone dates within the recovery plan

WRS has been instrumental to the regulatory COVID-19 response of Partners, with the significant challenges and resourcing issues that entailed. Whilst it will be challenging to deliver, the elements of the FSA food safety recovery plan provide a pragmatic and practical approach to restart the system.

The prioritisation and initial inspection of new food businesses is a key concern given the numbers involved and the resource required.

We also face difficulties in recruiting new officers and contractor resource. It is anticipated that recent changes to the Codes of Practice in England and Northern Ireland, which widens the baseline qualifications that demonstrate competence and the implementation of an activity-based competency framework, will also help ease the situation. To this end we shall be looking to pilot a new role within the team of Regulatory Support Officer, whose purpose will be to review and visit low risk premises and make verification visits, escalating issues to a food competent Environmental Health Officer where there are any significant concerns relating to food safety. These will be trained in house and check lists will be provided. This model reflects that used during the pandemic by engaging Covid Advisors, who have successfully conducted visits and escalated serious issues to the dedicated enforcement team for action.

The FSA intends to use the data from FHRS (all ratings and related data being reported to the Agency,) to monitor on a quarterly basis the numbers of businesses 'awaiting inspection', numbers of new ratings being published and levels of compliance. They also propose to develop bespoke end of year returns for 2021/22 and 2022/23 that will replace the LAEMS returns required of all local food authorities, to obtain a picture of delivery across the year. Thus, partner authorities will be under great scrutiny to ensure that their food safety programmes are reinstated and brought up to date within the relevant timeframes.

Conclusions

We will restart the planned interventions in a risk-based manner, focusing resources where they add greatest value in providing safeguards for consumers and securing compliance. Hence the focus will be on those scoring lowest on FHRS and those found persistently non-compliant.

The Agency has provided a time-table for all local authorities to work to (see Appendix B,) so that relevant (mainly physical,) interventions are achieved. This however, will be a significant challenge due to the sheer numbers of premises involved. Six of the Officers who would normally be involved in the food recovery work are currently embedded in the Local Outbreak Response Team (LORT) addressing the pandemic with County Public Health consultants. The Food Safety Lead Officer for WRS is also engaged on this work 3-days per week.

Funding has been secured from the County Council to cover the cost of this work and this will be used where possible to provide backfill capacity for the business as usual food work. This should ensure that the backlog does not increase further and that inroads can be made into the onsite interventions.

The service has asked for an additional £25,000 from the 2020/21 underspend to be carried forward to supplement the funding from the County Council to support Phase 1 of the recovery plan. This will enable us to provide the resource to fulfil the requirements of Phase 1 (Appendix A,) and to make a start on the requirements of Phase 2 (Appendix B.) Food competent agency EHOs are in short supply and £25,000 buys around 17 weeks of competent officer time. As all local authorities will be seeking the same scarce resource to implement their plans, prices may become inflated further.

We hope to use monies from work on the LORT to backfill with additional capacity as long as possible but given that the work runs to April 2023, there may be a need for further funds in 2022/3 to achieve the Agency targets as outlined.

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Appendix A **Phase 1 of the recovery plan**

LAs are expected to undertake sector specific official controls and official controls to support trade and enable export. They also include other high priority activities needed to address the risks in the food system at this time which will include carrying out overdue/due interventions in those businesses where proactive surveillance suggests there is a significant risk. These controls and activities must be undertaken as a minimum. LAs may defer planned interventions but, where they have the resources to do so, they should be deployed to undertake other official controls and related activities focussing on the high-risk and non-compliant businesses. Minimum controls and activities LAs must as a minimum continue to undertake the following official controls and associated activities in accordance with pre-pandemic requirements:

- Conditional and full approval visits.
- Management of food incidents and hazards (including outbreaks of foodborne illness).
- Investigation and management of complaints.
- Enforcement action in case of non-compliance.
- Undertake ongoing proactive surveillance to obtain an accurate picture of the local business landscape and identify open/closed/recently re-opened/new businesses.
- Where concerns around public health/consumer protection are identified through the ongoing proactive surveillance, LAs must then undertake appropriate interventions so that they can assess and address the risks. Other priorities LAs should give medium priority to the following:
 - Establishments overdue/due an intervention not already captured above that are rated A, B, and non-compliant C and non-compliant D for hygiene.
 - Where there has been a change of operation, activities, or Food Business

Operator.

Appendix B

Detailed timeline for Phase 2 of the recovery plan

Category A for hygiene

Over the period to end of March 2022 all establishments should have received an onsite intervention [FHRS L0,1,2]

Category B for hygiene

Over the period to end of June 2022 all establishments should have received an onsite intervention. [FHRS Level 1,2 with some premises in this category who have FHRS Level 5 but are high risk, e.g. hospitals, care homes.

Category C for hygiene

Over the period to end September 2022 all establishments rated less than broadly compliant (FHRS Level 0, 1 or 2) should have received an onsite intervention.

Category D for hygiene

Over the period to the end of December 2022 all establishments rated less than broadly compliant (FHRS Level 0, 1 or 2) should have received an onsite intervention. Some of this category will be done via initial self-assessment category.

Category C for hygiene

Over the period to the end of March 2023 establishments rated broadly compliant or better (FHRS Level 3, 4 or 5) with two consecutive food hygiene ratings of 5, one intervention may be missed. Those with hygiene ratings of 3 or 4 should have received an onsite intervention. [NB 'Missing' an intervention may create an issue with the food platforms]

Category D for hygiene

Those rated broadly compliant or better (FHRS 3, 4 or 5) will require no interventions unless intelligence/information suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed. WRS has operated a system of self-assessment with possible further intervention for a number of years and see no reason to change this process.

Category E for hygiene

No interventions will be required unless intelligence/information suggests that risks have increased/standards have fallen or if the establishment is otherwise considered a priority for intervention due to the risk posed.